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PRISON**

**Author, Unembittered,
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**To Write About
Injustices of**

U. S. Penal System.

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PDF PAGE 8, COLUMN 4

**35 ASK NEW
SEATS**

ON ATLANTA BENCH

**Five To Be Chosen
When Appeals**

**Court Settles
Frank Case**

**and Hill
Retires.**

The five judges for the municipal court created by the last Legislature will be named by the four Superior Court judges just as soon as Judge Ben Hill, now of the Court of Appeals, takes his place on the county bench. Judge Hill will resign from the Court of Appeals immediately after the disposition for the Frank case. These facts became known Friday.

Judge George L. Bell, one of the four Superior Court judges who will make the appointments, declared Friday that 35 applicants are in the field for the new judgeships.

“As only five men are to be selected from this number,” said Judge Bell, “and as all of the applicants are men who no doubt

would make good judges, it is obvious that we face rather a hard problem. However, I expect the appointments to be made soon after Judge Hill takes his place on the bench. The appointments will be sent to the Governor, who will pass on them and then name a chief judge from the number."

Among the prominent applicants for the new judgeships are L. F. McClelland, Judge Edgar H. Orr and Judge F. M. Powers, of the present justice courts: Walter R. Daly, James B. Ridley, T.O. Hathcock, Don K. Johnston and Eugen Thomas.

The new court also require the appointment of a chief marshal and a clerk. John D. Steward, T. C. Miller and Clarke Lewis are being mentioned for the clerkship.

PDF PAGE 8, COLUMN 5

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Frank was convicted of murder August 25. On August 26 he was sentenced by Judge L. S. Roan to be hanged October 10. The hearing of his attorneys' motion for a new trial was set for

October 4, but the vast amount of work necessary in the preparation of the arguments led to a request by Solicitor Dorsey for more time. A week's delay was granted by Judge Roan, with the understanding that he would extend the time still further if desired.

Hearing October 18.

Solicitor Dorsey and his assistant, A. E. Stephens, secluded themselves in Valdosta, where they would be insured against interruptions, and began their review of the 115 reasons for a new trial submitted by the defense. Within a few days they saw that they could not complete their work by Saturday of this week and possibly not in time for a hearing on the following Saturday. Another request for more time was granted by Judge Roan. The hearing will take place October 18, in all probability, unless the Solicitor is unable to conclude his preparation by that time.

In the meantime, Frank's execution set for to-day, has been indefinitely postponed. The prisoner continues to entertain full confidence of ultimate acquittal. His only utterance has been that he was unjustly convicted by a jury that was swayed by influences outside the evidence.

Frank Aids Lawyers.

He is taking a most active interest in the movements in his behalf, and is himself assisting the attorneys materially along certain lines. He is visited constantly by his relatives and friends, and is maintaining the same optimistic demeanor that has marked his bearing since he was first taken to the Tower.

Frank's counsel are centering their efforts at present upon an investigation of prejudice and bias which have been alleged against a number of the jurors in the case. They believe they have irrefutable evidence against A. H. Henslee and Marcellus Johanneing, and they have depositions indicating bias against two other jurors which will probably be fled before the hearing on the new trial.

A letter received in Atlanta Thursday from Solicitor Dorsey made certain the postponement of arguments for a new trial for Leo M. Frank, which were to have been heard Saturday by Judge Roan.

The letter intimated that the Solicitor and his assistant, A. E. Stephens, who are now in Valdosta would not return to this city before next Wednesday or Thursday. Mr. Dorsey requested that Judge Roan be asked to postpone, in addition to the Frank arguments, hearings on Five other motions which scheduled for Saturday. This will clean the Sophens, who are now in Valdosta, necessitate his return.

Defense Doesn't Object.

The postponement is wholly within the discretion of Judge Roan, and the defense would interpose no objection in all probability even if it did not entirely suit their wishes. It is understood, however, that Frank's lawyers are satisfied with the delay, as it affords them time to obtain additional evidence of reported bias on the part of A. H. Henslee, Marcellus Johenning and one or two other Frank jurors.

The Solicitor, who, with his assistant, A. E. Stephens, has been going over the voluminous amended motion of the defense with its 115 reasons for a new trial since its filling last week by Frank's lawyers, refuses to discuss the case except to express his confidence that a new trial will be denied. He stands firmly by his original declaration that the defense is without adequate grounds to ask for a new trial.

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POSTPONEMENT

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**Letter From Dorsey
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**Judge Roan to Let
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He and Attorney Stephens, isolating themselves in Valdosta, where they will not be interrupted by office visitors, have given

their entire time to the preparation of their argument against any movement which will reopen the sensational murder case. While the hearing before Judge Roan, set originally for October 4, will have few of the spectacular features that marked the trial of Frank, the lawyers are making ready for a titanic struggle.

Dorse is Determined.

The Solicitor is determined that the verdict of guilty shall stand. He is using every means to stave off what he regards as the remote possibility of reversal of the verdict that brought the death sentence to the defendant.

Solicitor Dorsey prepared his request Wednesday for a delay of another week in the hearing. Judge Roan already had made known his willingness to extend the time if it was needed by the Solicitor. When he learned that Dorsey would not be ready next Saturday he promptly announced that the delay would be granted in accordance with his promise.

While the Solicitor is busily engaged reviewing the reasons of the defense, Frank's lawyers are seeking more witnesses who are said to have heard Henslee and other jurors make remarks before the trial indicating their violent prejudice.

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FRANK LAWYERS TO FILE MORE DEPOSITION S

**Another Juror May Be
Charged**

With Bias—Accused Cheer- ful, Aiding Counsel.

Counsel for Leo M. Frank made ready Friday to file further depositions to support their arguments for a new trial which will be made Saturday, October 18, before Judge L. S. Roan. It is understood the name of at least one more juror, in no to A. H. Henslee and Marcellus Johnenning, will be mentioned in the affidavits as guilty or prejudice.

Frank's lawyers say they have uncovered what they regard as practically conclusive evidence of violent dislike and bias on the part of a third juror.

Several depositions are expected to be filed respecting this juror. Others have been obtained to strengthen the charge of prejudice on the part of Henslee and Johnenning.

Still others bear on the demonstrations that took place inside and outside the courtroom during the trial, by which, the defense alleges, the members of the jury might have been intimidated.

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